

100-21044

4 December 1956

MEMORANDUM FOR: Chief, Finance Division

SUBJECT : Interpretation of Standardized Government
Travel Regulations in Connection with TDY
Travel From Residence

1. By memorandum of 11 October 1956 the Commercial Staff requested advice from the Chief, Finance Division as to Agency policy and practice in preparing TDY travel orders and vouchers. You forwarded this request to the Office of General Counsel by memorandum dated 1 November 1956, citing in that memorandum three Comptroller General decisions (20 Comp. Gen. 315, 27 Comp. Gen. 382, 31 Comp. Gen. 505) which were believed relevant.

2. The questions stated in the basic memorandum are substantially as follows. A staff employee has his official station at headquarters Washington, D.C., and he lives at Manassas, Virginia.

(a) Is it proper for travel orders to read "from Manassas, Virginia" to TDY destination assuming that the employee does not stop at headquarters during the travel?

(b) What taxi fare or mileage is allowable where an employee travels from his residence at Manassas to an air or rail departure terminal, e.g., National Airport or Union Station, considering both the case where the orders read "from Manassas" and where they read "from Washington"?

(c) Is there a definition of the "Washington Metropolitan Area"? Is travel by taxi or private automobile outside that area, to or from a residence, to be made at the expense of the employee where he is proceeding to or from a terminal for TDY travel? If there is such an area, does Manassas, Virginia fall therein?

In a subsequent telephone discussion with the official initiating this inquiry, the following additional question was posed:

(d) Under what circumstances is mileage allowable, or not allowable, on a TDY trip to Baltimore, Maryland, by a headquarter's employee who lives in Manassas?

3. In responding to the foregoing questions, it must be recognized that hypothetical situations rather than an actual case have been submitted for analysis. Our answer, therefore, contains a degree of generalization which we should hope to avoid if all of the facts concerning a case that had actually transpired were available. Accordingly, this opinion should be understood to provide general guidance, but the particular answer in an actual case may depend upon factual details peculiar to that case.

4. In the course of our investigation of this problem we have ascertained that a number of the published opinions of the Comptroller General relating to this subject have been overruled in fact, although not officially, and are no longer followed by the General Accounting Office. This is due principally to the addition in Section 3.1.b of the Standardized Government Travel Regulations of a sentence not found in the 1946 edition construing place of abode to include any point within a reasonable distance from which the employee concerned commutes daily to his official post of duty. Such cases as 20 Comp. Gen. 315 and 27 Comp. Gen. 382, cited in your memorandum of transmittal, are no longer authoritative with respect to the decisions therein that an employee residing outside the corporate boundaries of his official station could not be reimbursed for taxicab fare in a sum greater than the maximum chargeable to any point within the municipality where his official station was located. Your memorandum of transmittal also cited 31 Comp. Gen. 505; we believe that this case has no bearing on the problem at hand inasmuch as the factual situation therein was markedly different from that now under consideration.

5. 5 U.S.C. 835-842 set forth the provisions of the Act of June 9, 1949, 63 Stat. 166, popularly known as the "Travel Expense Act of 1949". The Central Intelligence Agency is governed by this statute and the regulations thereunder in normal cases where problems unique to the operations of this Agency are not involved. Section 840 designates the Director of the Bureau of the Budget as the official who shall promulgate regulations concerning "the fixing and payment under Sections 835-842 of this Title of travel allowances."

6. The current edition of the Standardized Government Travel Regulations is to be found in Bureau of the Budget Circular No. A-7, Revised, as amended, effective August 1, 1956. Portions of these regulations applicable to the present problem are as follows:

"Section 1.2. Reimbursable Expenses. Traveling expenses which will be reimbursed are confined to those expenses essential to the transacting of the official business.

"Section 1.3. Official Station - Post of Duty. Designated post of duty and official station mean one and the same, the limits of which will be the corporate limits of the city or town in which the official or employee is stationed

"Section 2.1. Form for Authority.

"a. Except as otherwise provided by law, all travel shall be either authorized or approved by the head of the Agency or by an official to whom such authority has been properly delegated. ...

"Section 3.1. Definition.

"a. Transportation includes all necessary official travel on railroads, airlines, steamboats, busses, streetcars, taxicabs, and other usual means of conveyance. ...

"b. The usual taxicab fares from station, wharf, or other terminal to either place of abode or place of business and from either place of abode or place of business to station, wharf, or other terminal will be allowed. (See Sec. 3.4) For the purpose of this subsection the term "place of abode" may be construed to include any point within reasonable distance from which the employee concerned commutes daily to his official post of duty. ...

"Section 3.4. Special Conveyance.

"a. The hire of boat, automobile, taxicab, aircraft, livery, or other such conveyance will be allowed if the use of such facilities is authorized or approved as advantageous to the Government whenever the employee or others rendering service to the Government is engaged on official business within or outside his designated post of duty. While an employee is on official business outside his designated post of duty, the use of taxicabs between places of lodging and place of business, or between places of business, may be allowed under this subsection. ...

"Section 3.5. Use of Privately Owned Conveyance.

"a. Actual Expense Basis.

"This subsection applies to reimbursement on the basis of actual expense for use of a privately owned motorcycle, automobile, or airplane only where such method of reimbursement is authorized by law; otherwise reimbursement is to be made under the provisions of subsection b. ...

"b. Mileage Basis.

"(1) Civilian officers or employees of departments and establishments ... shall, whenever such mode of transportation

is authorized or approved as more advantageous to the Government (except that no determination of advantage is required where payment on a mileage basis is limited to cost of travel by common carrier, including per diem in each case) be paid in lieu of actual expenses of transportation not to exceed ... 10 cents per mile for the use of privately owned automobiles ... when engaged on official business within or outside their designated posts of duty or places of service. In such cases the mileage rate as authorized or approved may be paid from whatever point the employee ... begins his journey. It is the responsibility of proper officials of the departments and establishments to fix such rates, within the maxima as will most nearly compensate the traveler for necessary expenses. In determining whether such transportation is more advantageous to the Government, consideration will be given to the advantages resulting from the more expeditious transaction of the public business as well as to the advantages and/or disadvantages to the United States in the particular case. ... When transportation is authorized or approved by privately owned ... automobiles, distances between points traveled shall be as shown in standard highway mileage guides or by speedometer readings. ...

"In lieu of the use of a taxicab under the provisions of section 3.1.b, payment on a mileage basis at the rate of 10 cents per mile will be allowed for the round-trip mileage of a privately owned automobile used in connection with an employee going from his place of abode to a common carrier terminal or from a common carrier terminal to his place of abode: Provided, That the amount of reimbursement shall not exceed the usual taxicab fare, including allowable tip, for a one-way trip from his place of abode to terminal or from terminal to his place of abode."

7. It may be stated as a general proposition that an employee is required to bear the cost of daily travel between his home and his official station as a personal expense not reimbursable by the Government. Where an employee commences or terminates TDY travel from his Office, the cost of travel between home and office at the beginning and ending of TDY is not reimbursable. However, it is recognized that under some circumstances it would be unnecessary and unreasonable for the employee to go to his office prior to commencing travel. In this situation the old rule, as laid down in 20 Comp. Gen. 315, authorized the reimbursement of taxi fare in an amount equal to the taxi fare to the most distant point within the corporate boundaries of the employee's official station. As indicated above this rule has been altered by the language now found in Section 3.1.b of the Standardized Government Travel Regulations and the corporate boundaries of the employee's official station no longer have

any relevance in fixing allowable taxi fare. With respect to those cases involving transportation between an employee's residence and the terminal of a common carrier, Section 3.1.b and Section 3.5.b. (1) govern and either taxi fares or mileage, in full, may be allowed if it has been determined that the employee's place of abode is within a reasonable distance from his place of duty.

8. The situation is different where the employee utilizes his privately owned automobile to perform all of the TDY travel called for. Section 3.5.b.(1) of the Standardized Government Travel Regulations governs the payment of mileage. It provides (1) where there is a determination that this form of transportation is more advantageous to the Government that actual mileage may be paid from whatever point the employee begins his journey, and (2) where no such determination of advantage has been made that reimbursement for the use of a privately owned automobile at the rate of 10 cents per mile shall not exceed the cost of travel by common carrier. In the latter situation, the cost by common carrier is figured from the employee's official station. A third possibility exists when this form of transportation is utilized, namely, the situation where there is a degree of benefit to the Government in permitting the employee to drive his car. For example the exact location where the TDY is to be performed may be situated at a distance from, or at an inconvenient location with respect to, the common carrier terminal. At the same time the residence of the employee may appear to be at such a distance from his official station that the advantage to the Government in the use of the employee's car is more or less offset by the extra expense to the Government in paying mileage computed from the employee's place of residence. Section 3.5.b.(1) states that "It is the responsibility of proper officials of the departments and establishments to fix such rates, within the maximum as will most nearly compensate the traveler for necessary expenses." This provision coupled with Section 1.2, quoted previously, indicate that the facts of a case may warrant the issuance of travel orders stating that use of the employee's car is of advantage to the Government and authorizing reimbursement at 10 cents per mile from the employee's official station rather than from his residence. This might result in a more equitable reimbursement of the employee in that he could receive more than the common carrier fare. We have been advised informally by the General Accounting Office that this latter arrangement would meet with their approval.

9. To respond specifically to the questions posed by your memorandum of 11 October 1956:

(a) Assuming that the case you have in mind does not involve TDY travel wholly by privately owned automobile but rather involves travel to a rail or air terminal for further transportation by the latter means, we conclude that travel orders may not be made out "from Manassas, Virginia" but rather should be made out "from Washington, D.C.".

(b) Taxi fare or mileage, in full, as specified in Section 3.1.b and Section 3.5.b.(1) of the Standardized Government Travel Regulations, from Manassas to the Washington Union Station or the National Airport is or is not allowable depending upon whether Manassas is "within reasonable distance" and a place "from which the employee concerned commutes daily to his official post of duty." The fact that an employee does so commute daily does not prove that such point is within reasonable distance since it is the duty of the officials designated under Section 2.1 to make such a determination. The General Accounting Office has declined, without the receipt of a written request for a determination, to express an opinion on these facts. It is the policy of the General Accounting Office not to dispute whatever administrative determination is made in such a case unless it is clearly unreasonable. Where the orders for travel read "from Washington", Section 3.1.b of the Standardized Government Travel Regulations authorizes the payment of the actual taxicab fare to the terminal if it is no greater than the fare usually charged.

(c) The General Accounting Office has advised us that there is, at present, no definition or concept of a "Washington Metropolitan Area". We are further advised that such a concept would not be desirable in Washington, D.C., because of the complexities of application in specific cases. It is possible that the belief that such an area exists originated in the language of 20 Comp. Gen. 315 which is no longer authoritative. With respect to the payment of the transportation expenses discussed herein there is no longer a defined area of any sort within the limits of which payments may be reimbursed and beyond which recovery is not permitted.

(d) Mileage is or is not allowable on a TDY trip to Baltimore, Maryland, by a headquarters employee who lives in Manassas in accordance with the principles discussed in paragraph 8 above. If an administrative determination is made that the advantage to the Government will be sufficiently great, mileage in full may be paid. This is a factual rather than a legal problem.

10. Section 3.4.a of the Standardized Government Travel Regulations provides for the hire of a special conveyance. This Section was applied in 31 Comp. Gen. 304, where a taxicab that transported an employee from the National Airport to his home near Beltsville, Maryland, at 3:10 a.m. was held to be a special conveyance within the meaning of this Section. It is suggested that where unusual circumstances warrant reimbursement and the situation does not fall clearly within one of the Sections discussed previously, then Section 3.4 may provide assistance in reaching an equitable solution.

11. As indicated in paragraph 9(b) above, authority exists under the Standardized Government Travel Regulations for an appropriate

official of this Agency to make an administrative determination as to whether Manassas is or is not within a reasonable distance from Washington in the case where the traveler leaves his place of abode there and goes direct to a common carrier terminal. This is a question of fact and not one of law, and treating this as a factual problem we have received the informal and unofficial expression of opinion of an official in the General Accounting Office to the effect that he doubted whether Manassas was within a reasonable distance. If travel from points on the outskirts of the Washington, D.C. area continues to raise this sort of factual problem a possible solution along the following lines may merit investigation. We understand that some other Washington agencies have set a monetary limit for reimbursement of this sort by their own administrative decision. In our opinion authority now exists under the Standardized Government Travel Regulations for this Agency to do likewise. The details of such arrangements by other agencies should be ascertainable by inquiries at the operating level and this information should provide an adequate basis for the establishment of a policy by this Agency.


Assistant General Counsel

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